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### NOTES OF CASES.

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**Attorney and Client—Negligence in Examining Title.**—In *Jacobsen v. Peterson*, 103 Atl. 983, the Supreme Court of New Jersey held that an attorney, who is employed to investigate the title to real estate, is liable for any injury that may result to his client from negligence in the performance of his duties.

The court said: "It is the duty of an attorney, who is employed to investigate the title to real estate, to make a painstaking examination of the record, and to report all facts relating to the title. He is therefore liable for any injury that may result to his client from negligence in the performance of his duties; that is, from a failure to exercise ordinary care and skill in discovering in the records and reporting all the deeds, mortgages, judgments, etc., that affect the title in respect to which he is employed. *Economy B. & L. Ass'n v. West Jersey Title Co.*, 64 N. J. Law, 27, 44 Atl. 854. In the present case it appeared, and the trial judge properly found, that the defendant negligently overlooked and failed to report a judgment for \$380 which was a lien upon the land, the title of which he was employed to examine, and which the plaintiff purchased in reliance upon the defendant's report and without knowledge of the existence of such judgment. There was, therefore, no question as to the defendant's liability.

"The question arises, What was the measure of damages? Where, as here, an attorney negligently omits to report the fact of a judgment, which is a lien upon real estate the title of which he was employed to investigate, and his client purchases such real estate in reliance upon such report and without knowledge of such judgment, the measure of damages is the amount his client is caused to pay out to remove the lien of such judgment. But it appeared that the plaintiff subsequently sold the real estate for a sum in excess of its total cost to him, including the discharge of the judgment, and the trial judge considered that this justified the award of nominal damages only. Not so. The measure of damages was not affected by the sale. It will not do to say that in order for a client to recover for such negligence he must either sell the property at a loss or not sell it at all. He was entitled to all the profit he would have made by the transaction if the title had been as represented."

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**Electricity—Liability of Telephone Company for Injury to Licensee Using Private Phone.**—In *Inman v. Home Telephone & Telegraph Co.*, 177 Pac. 670, it was held that where a neighbor of one with telephone service secured permission to use phone, and was injured by electric shock she could not recover from telephone